

**MINUTES OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD  
ON DECEMBER 18, 2019 AT 6:00 P.M. IN THE CITY OF LAS VEGAS COUNCIL  
CHAMBERS**

**MAYOR:** Tonita Gurulé-Girón

**COUNCILORS:** David G. Romero  
David A. Ulibarri, Jr.  
Vincent Howell  
Barbara A. Casey

**ALSO PRESENT:** Ann Marie Gallegos, Interim City Manager  
Danielle Sena, Recorder  
Esther Garduno Montoya, City Attorney  
David T. Bibb III, Sergeant at Arms

Meeting began at 6:00 p.m.

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Mayor Gurulé-Girón thanked the Acequia members, City Staff and constituents for being present, wished everyone a Merry Christmas, a Happy New Year and a safe holiday season. She thanked the Police Department for all they do in keeping the City safe.

Councilor Ulibarri, Jr. thanked all the citizens of the City, and all City Staff for doing their best for the City.

Councilor Romero wished everyone a wonderful and safe Christmas and a Happy New Year and thanked City Staff for all that they do.

Councilor Howell stated it had been a challenging year for the governing body although they were working together which was very important. He stated there were many who had lost family members this year, including himself, losing his mother and thanked everyone for prayers and those who were considerate to his grief. Councilor Howell wished everyone a Merry Christmas and a Happy New Year.

Councilor Casey thanked City Staff for all the great work they did for the City, that they gave 150% without complaining and ready to give more and she appreciated that. She stated that the citizens of Las Vegas were wonderful people, that it was a beautiful place to live and was blessed to have been born here. She wished everyone a Merry Christmas and a Happy New Year and prayed that God would take care of everyone and help them to do the very best for the citizens of Las Vegas.

#### **APPROVAL OF AGENDA**

Councilor Howell stated that before he would vote on the approval, he thought that it had been mentioned at the last meeting that there would be more business items on this agenda.

Interim City Manager Ann Marie Gallegos clarified that she had mentioned that there would be no additional business items on the agenda.

Councilor Casey made a motion to approve the agenda as. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

#### **APPROVAL OF MINUTES**

Councilor Casey made a motion to approve the minutes for November 13th Work Session and November 20, 2019 Regular as amended. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:



Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes
David G. Romero	Yes	Barbara A. Casey	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

### **MAYOR'S APPOINTMENTS/REPORTS**

Mayor Gurulé-Girón reported that City Staff was working hard preparing for the Christmas holiday, she thanked Interim City Manager Gallegos for her leadership and thanked all Directors, especially the staff who had to work outdoors in cold weather.

Councilor Casey asked about the appointments of persons to the Lodger's Tax Board and stated they needed to be approved by Council.

Mayor Gurulé-Girón stated they were discussed last meeting and that they did not bring them to Council although they could. She stated that they could be brought to the next meeting and they did not need to be approved by District and that she approved them consistent to the Charter Law, which was 2 hoteliers, 2 businessmen and 1 *inaudible*. She stated that the individuals who were there already were Allan Affeldt, Krutik Bhatka and that she interviewed and selected Shawna Sandoval, Gabe Garcia and Georgina Ortega. Mayor Gurulé-Girón stated that it was not a problem to bring it to Council.

Interim City Manager Gallegos advised they would be placed on the agenda for next month's meeting.

### **MAYOR'S RECOGNITIONS/PROCLAMATIONS**

Mayor Gurulé-Girón advised there were none at this point in time.

### **PUBLIC INPUT**

Zachary McNellis gave a brief summary of the opportunity to sign up for a foreign language program offered to the community members who have a library card.

Mayor Gurulé-Girón spoke of the importance of youth learning a dual language and thanked Mr. McNellis for improvements at the library.

Emilio Aragon spoke in detail regarding his concerns of micro-managing at the City of Las Vegas.

Arthur Gallegos spoke in detail regarding his concerns of the 1835 Remand and asked Council to consider making time to study the history of the litigation to find out why there has been no outcome.

Michelle Varner spoke in detail about several concerns regarding the logic behind the 1835 Remand and informed of the Acequias' hearing date on January 7th to discuss the equitable remedy and current water sharing schedule and its effects.

Roland Medrano, Acequia member/business owner spoke of his concerns in regard to Council being informed of the acequias and the need of water for irrigation. He hoped that the City could work on an agreement with the Acequias.

Gabe Estrada wished everyone a Merry Christmas and spoke of many concerns of the water litigation and spoke of how simple it would be to resolve the water sharing pertaining to the incomplete rotation agreement. He stated that he wished the 1835 could be forgotten about and that they could come to an agreement before January, when the judge would make his decision.

Mayor Gurulé-Girón stated that City Attorney Esther Garduno Montoya had been given the directive to follow-up with the City's attorneys and for the record, she would report on that.

City Attorney Garduno Montoya stated "Mayor and Council, I have contacted our Water Law Attorney, I have summarized our conversation and distributed to Council, however it is subject to Attorney/Client privilege.

Mayor Gurulé-Girón stated that it could not be released and recommended that Council read it and return it back to the Attorney. She stated to the Acequia members that she respected them and how they lived off the land, that they were close to her heart and soul and believed when she first got elected they tried working to get things moving, and some things fell through the cracks but that things were not lost and she believed that they had gotten closer to something more meaningful that was hopefully going to be agreeable to both parties.

Mayor Gurulé-Girón stated that at this point in time, she was going to need a consensus from the Council and was going to give a directive to the City Manager



and the City Attorney to bring back negotiations to the table with the Acequias and hopefully they could do a little better this time.

Councilor Howell stated that the next Council meeting was on the 8th and the court was on the 7th.

Brief discussion took place of a Special meeting that would have to take place before January 7th in order for negotiations to take place with the Acequias members.

Mayor Gurulé-Girón asked Council for a consensus to agree to give the directive to City Manager and City Attorney in bringing negotiations with the Acequias back to the table.

The Council agreed on a consensus to agree to give City Manager and City Attorney the directive in bringing negotiations with the Acequias back to the table.

### **PRESENTATIONS**

None at this time.

### **CITY MANAGER'S REPORT**

Interim City Manager Ann Marie Gallegos reported on current projects taking place at the City of Las Vegas as follows:

- |  |   |
|--|---|
| -Electric Light Parade   | -Election information/questions @ KFVN on |
| -Distribution of Toys  | January 3, 2020                           |
| -Judging of Electric Light Parade (January 2020)                   | -Employee Safety Training-2020            |
| -30-Day Legislative Session (January 21, 2020 @ 12:00p.m.)         | -Las Vegas Day/Night- February 17, 2020   |
| -Priorities request from Council-ICIP Plan                         | -LVPD awarded Accreditation               |
| -Capital Outlay requests deadline-February 2, 2020                 | -PNM awarded City of Las Vegas for        |
| -Potholes (Repaired with millings- asphalt repair at a later time) | the installation of LED lighting at the   |
| -March 3, 2020 Election (Information Flyers prepared by            | Abe Montoya Recreation Center Parking Lot |
| Deputy Clerk Danielle Sena)  |   |

Chief Bibb commended the Las Vegas Police Department for their dedication in acquiring their accreditation.

Councilor Romero asked if Las Vegas Night was at the latter part of the Legislative Session, and was concerned about the budget and asked if they could receive an update regarding the budget and sponsorships.

Interim City Manager Gallegos informed that February 17th was the date given as for now but would later provide them an update.

Discussion took place regarding the timing of Las Vegas Day/Night and the concerns of not having time for lobbying.

### **FINANCE REPORT**

Interim Finance Director Tan Vega assured Council that all the monies that funded Las Vegas Night at the Legislature was by sponsors and the only monies the City put in was for personnel salaries for organizing the event. She added that Santa in the Park was totally funded by sponsorship and they collected \$3,425.00 and that \$2,387.37 was expended for gifts for the kids therefore leaving a cash balance of \$1,037.63 to carry over for next year and it was deposited in a separate fund and earmarked for Santa in the Park.

Interim Finance Director Tana Vega presented the Finance Report for the month ending November 30, 2019 (42% of year lapsed) and reported that General Fund revenue was at 42% (\$4,741,014) and expenditures were at 37% (\$4,788,241). She informed that the Enterprise Funds revenue was at 34% (\$5,754,070) and expenditures came in at 30% (\$6,332,543) and advised that the Recreation Center revenue came in at 36% (\$227,638) and expenditures were at 37% (\$267,681) and stated that the total cash balance was \$79,309.00 and had a slight loss due to the roofing project.

Interim Finance Director Vega presented the Lodgers Tax Revenue and Expenditure Report for the month of November 2019, reporting total Lodgers Tax revenue, including infrastructure was at 58% (\$218,085.00) and expenditures came in at 33% (\$182,934.00).

Councilor Romero stated to Mayor Gurulé-Girón, not to take it personal and asked Interim Finance Director Vega if those expenditures listed on the progress report were for declaratory judgement legal fees.

Interim Finance Director Vega stated that they were for those legal fees.



Mayor Gurulé-Girón advised that she wanted to clarify for the record that her personal legal matters had not been paid by the City in regard to a complaint submitted to the state auditor.

Councilor Casey had several questions regarding vendors on the check listing.

Interim Finance Director Vega and Utilities Director Gilvarry addressed Councilor Casey questions regarding the check listing.

Brief discussion took place on hiring state wide in order to reduce Souder Miller staffing in order to cut costs.

Councilor Romero reminded that they had asked for an update on how much had spent in regard to the Souder Miller contract, had not received anything and asked if it could be provided.

Interim City Manager Gallegos advised that they certainly would provide it.

### **CONSENT AGENDA**

Recorder Danielle Sena read the Consent Agenda (Items 1,2 & 3) into the record as follows:

1. Approval for The City of Las Vegas Fire Department to utilize funding in the amount of \$674,465.00 form the Legislative appropriation for the purchase of a new Fire Apparatus.
2. Approval to award bid 2020-02 to New Image Construction for the Snow Removal Equipment Building Modification (SRE).
3. Approval of Resolution 19-58 The City of Las Vegas is requesting increases/decreases to the FY2020 Budgeted revenues and expenditures for various funds.

Councilor Casey made a motion to approve the Consent Agenda as read into the record. Councilor Ulibarri, Jr. seconded the motion.

Resolution 19-58 was presented as follows:

**STATE OF NEW MEXICO  
MUNICIPALITY OF CITY OF LAS VEGAS  
RESOLUTION NO. 19-58**

**WHEREAS**, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget adjustment request for fiscal year 2019-20, and

**WHEREAS**, said budget adjustments were developed on the basis of increases in revenues, expenditures and transfers (in) out through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

**WHEREAS**, the City of Las Vegas is in need of making budget adjustments in the 2019-20 fiscal year budget; to include a net increase of \$1,617,562 in revenues and expenditures for National and Bridge Street project to be funded by a 100% grant from the Department of Transportation in Fund 214 - Streets-COOP/Projects; a net increase of \$22,420 in revenues and expenditures to be funded by a grant from New Mexico Transportation Department for ENDWI - \$11,781, Buckle Up - \$3,079, and STEP - \$7,560 in Fund 253 - Traffic Safety; net increase in expenditures of \$353,524 for one (1) residential truck in the amount of \$82,018 and one (2) commercial truck in the amount of \$271,506 with warranties included to be funded by unbudgeted cash balance in Fund 633 - Solid Waste Construction;

**WHEREAS**, it is the majority opinion of this governing body that the budget adjustment request be approved and meets the requirements as currently determined for fiscal year 2019-20;

**NOW, THEREFORE BE IT RESOLVED**, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the budget adjustment request herein above described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 18th day of December, 2019

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Tonita Gurule-Giron. Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

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Esther Garduno Montoya, City Attorney



Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

### **COUNCILORS' REPORTS**

Councilor Romero thanked Interim City Manager Gallegos and staff for addressing issues that he had brought forth. He stated that one of his main concerns was the Animal Control staffing.

Police Chief Bibb reported that Animal Control interviews would soon be taking place, that Patrol Officers were also assisting in Code Enforcement and Animal Control duties. He advised that they receive help from the AWC and County Animal Control staff as well.

Councilor Casey had some concerns about the City's legislative requests due to the Legislature Finance Committee informing of monies that had not been encumbered or spent, that many of the Legislators would not make legislative requests until they knew that monies were being spent and that she was happy that the City was moving forward with the fire truck but that we needed to do a little more encumbering before it was too late during the session, so that it could be shown that the City was using money received. She requested to move Peterson Dam down a couple on the ICIP plan and to move the sewer plant up and advised that the sewer plant needed improvements as Ms. Gilvarry had previously expressed. Councilor Casey stated it would be good if they could possibly move Las Vegas Day/Night sooner and her concern was that the event was so late resulting in Legislators not making it to the event.

Mayor Gurulé-Girón advised that in regard to Peterson Dam Plan and Design would have a life of 3-5 years and asked what would be addressed on the sewer plant.

Utilities Director Gilvarry advised that it would consist of wastewater line infrastructure, many lines in town and the facility itself.

Councilor Howell asked if it was possible to have PNM representatives come and speak with local businesses regarding power outages and the negative effects it had on the businesses. He advised that our Governor had put our state on a list that would accept refugees and would be good to send her a thank you letter regarding that.

Discussion took place in regards of researching into the issue of being a Sanctuary City and how that would affect federal funding for the City of Las Vegas and the state.

Councilor Howell stated that he was kind of upset regarding that Mayor Gurulé-Girón did not let Council keep the Acequia attorney/client information because they were the client and that the attorney had mentioned it was okay for them to receive that information. He thought that one of the reasons that he took from what she said was that she did not trust them and would take that information countywide and that was not true.

Mayor Gurulé-Girón stated " Councilor Howell, in response to that, if you recall, in the last ten years since they have been there, one of the concerns that previous attorneys had was that it would be disseminated outside the actual meetings" and added that in history dissemination had happened from Councilors to the public. She stated if they were looking at genuinely of going back into litigation or any further discussion with the Acequias, she did not want that being tarnished in any form or manner with an opinion by the attorney until we get to that point and we all sit at the table.

Councilor Howell felt that this Council should keep the attorney/client information and stated he would keep it. He wished the community a Merry Christmas, was thankful for all that City staff did all year, he congratulated Chief Bibb on the department's accreditation and that we should be proud of our community.

Councilor Ulibarri, Jr. stated that several issues he had brought up to Code Enforcement had not been addressed and hoped that now that Chief Bibb was overseeing them, they would get better feedback. He wished everyone Happy Holidays and to be safe.

Chief Bibb advised that the patrol officers were under the directive that if there was any enforcement action that could be taken, they would.



Councilor Romero stated that he knew they received the memo regarding the water litigation although asked if there would be more information available. He advised that they had requested City Attorney to have something prepared and asked if she was ready for that.

City Attorney Garduno Montoya informed that other than the memo that she had handed out today, she was not planning on handing out anymore and that there was a new directive from Mayor and Council, of having a Special meeting.

### **EXECUTIVE SESSION**

There was no need for Executive Session.

### **ADJOURN**

Councilor Ulibarri, Jr. made a motion to adjourn. Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

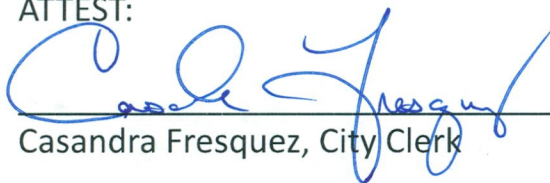
David G. Romero	Yes	Vincent Howell	Yes
David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.



Mayor

ATTEST:



Casandra Fresquez, City Clerk